

AMENDED IN ASSEMBLY MAY 12, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1215**

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**Introduced by Assembly Member De La Torre**

February 27, 2009

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An act to amend Sections ~~87482, 87882, and 87884~~ *87482 and 87882* of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 1215, as amended, De La Torre. Community colleges: temporary and part-time faculty.

(1) Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law establishes community college districts, administered by a governing board, throughout the state, and authorizes these districts to provide instruction to students at the community college campuses maintained by the districts.

Existing law requires that a person employed to teach adult or community college classes for not more than 67% of the hours per week of a full-time employee having comparable duties, excluding substitute service, be classified as a temporary employee.

Existing law authorizes the governing board of a district to employ a person serving as full-time faculty or part-time faculty but prohibits employment of a person as a temporary faculty member by any one district for more than 2 semesters or 3 quarters, except that a person serving as full-time or part-time clinical nursing faculty teaching 60% or more of the hours per week considered a full-time assignment for regular employees may be employed as a temporary faculty member

for up to 4 semesters or 6 quarters within any period of 3 consecutive years between July 1, 2007, and June 30, 2014.

~~This bill would, instead, authorize the governing board of a district to employ as a temporary faculty, as specified, a person serving as part-time clinical nursing faculty teaching 67% or more of the hours per week considered a full-time assignment.~~

*This bill would instead allow nursing faculty that teach up to 67% of the hours per week considered a full-time assignment for regular employees having comparable duties, excluding substitute service, to be employed by any one school district in the amounts described above.*

(2) Existing law, the Community College Part-Time Faculty Office Hours Program, authorizes the governing board of a community college district to establish a program to provide part-time faculty office hours. For purposes of the program, existing law defines “part-time faculty” as any person who is employed to teach for not more than 60% of the hours per week considered a full-time assignment for regular employees having comparable duties.

~~This bill would change the definition of “part-time faculty” to apply to any person who is employed to teach for not more than 67% of the hours per week considered a full-time assignment for regular employees having comparable duties by increasing the percentage of the hours per week to 67.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 87482 of the Education Code is amended  
2     to read:  
3     87482. (a) (1) Notwithstanding Section 87480, the governing  
4     board of a community college district may employ any qualified  
5     individual as a temporary faculty member for a complete school  
6     year, but not less than a complete semester or quarter during a  
7     school year. The employment of those persons shall be based upon  
8     the need for additional faculty during a particular semester or  
9     quarter because of the higher enrollment of students during that  
10    semester or quarter as compared to the other semester or quarter  
11    in the academic year, or because a faculty member has been granted  
12    leave for a semester, quarter, or year, or is experiencing long-term

1 illness, and shall be limited, in number of persons so employed,  
2 to that need, as determined by the governing board.

3 (2) Employment of a person under this subdivision may be  
4 pursuant to contract fixing a salary for the entire semester or  
5 quarter.

6 (b) ~~No~~ A person, other than a person serving as clinical nursing  
7 faculty and exempted from this subdivision pursuant to paragraph  
8 (1) of subdivision (c), shall *not* be employed by any one district  
9 under this section for more than two semesters or three quarters  
10 within any period of three consecutive years.

11 (c) (1) Notwithstanding subdivision (b), a person serving as  
12 full-time clinical nursing faculty or as part-time clinical nursing  
13 faculty teaching ~~60 percent or more of the hours per week~~  
14 ~~considered a full-time assignment for regular employees described~~  
15 *in Section 87482.5* may be employed by any one district under this  
16 section for up to four semesters or six quarters within any period  
17 of three consecutive academic years between July 1, 2007, and  
18 June 30, 2014, inclusive.

19 (2) A district that employs faculty pursuant to this subdivision  
20 shall provide data to the chancellor's office as to ~~how many the~~  
21 *number of* faculty members ~~were~~ hired under this subdivision, and  
22 what the ratio of full-time to part-time faculty was for each of the  
23 three academic years prior to the hiring of faculty under this  
24 subdivision and for each academic year for which faculty is hired  
25 under this subdivision. This data shall be submitted, in writing, to  
26 the chancellor's office on or before June 30, 2012.

27 (3) The chancellor shall report, in writing, to the Legislature  
28 and the Governor on or before September 30, 2012, in accordance  
29 with data received pursuant to paragraph (2), ~~how many the number~~  
30 *of districts that* hired faculty under this subdivision, ~~how many the~~  
31 *number of* faculty members ~~were~~ hired under this subdivision, and  
32 what the ratio of full-time to part-time faculty was for these districts  
33 in each of the three academic years prior to the operation of this  
34 subdivision and for each academic year for which faculty is hired  
35 under this subdivision.

36 (4) A district may not employ a person pursuant to this  
37 subdivision if the hiring of that person results in an increase in the  
38 ratio of part-time to full-time nursing faculty in that district.

39 *SEC. 2. Section 87882 of the Education Code is amended to*  
40 *read:*

1 87882. For purposes of this article, “part-time faculty” means  
2 any person who is employed to teach for not more than ~~60 percent~~  
3 of the hours per week considered a full-time assignment for regular  
4 employees having comparable duties *described in Section 87482.5*.

5 SECTION 1. Section 87482 of the Education Code is amended  
6 to read:

7 87482. (a) ~~(1) Notwithstanding Section 87480, the governing~~  
8 ~~board of a community college district may employ any qualified~~  
9 ~~individual as a temporary faculty member for a complete school~~  
10 ~~year but not less than a complete semester or quarter during a~~  
11 ~~school year. The employment of those persons shall be based upon~~  
12 ~~the need for additional faculty during a particular semester or~~  
13 ~~quarter because of the higher enrollment of students during that~~  
14 ~~semester or quarter as compared to the other semester or quarter~~  
15 ~~in the academic year, or because a faculty member has been granted~~  
16 ~~leave for a semester, quarter, or year, or is experiencing long-term~~  
17 ~~illness, and shall be limited, in number of persons so employed,~~  
18 ~~to that need, as determined by the governing board.~~

19 ~~(2) Employment of a person under this subdivision may be~~  
20 ~~pursuant to contract fixing a salary for the entire semester or~~  
21 ~~quarter.~~

22 ~~(b) No person, other than a person serving as clinical nursing~~  
23 ~~faculty and exempted from this subdivision pursuant to paragraph~~  
24 ~~(1) of subdivision (c), shall be employed by any one district under~~  
25 ~~this section for more than two semesters or three quarters within~~  
26 ~~any period of three consecutive years.~~

27 ~~(c) (1) (A) Notwithstanding subdivision (b), a person serving~~  
28 ~~as full-time clinical nursing faculty, or as part-time clinical nursing~~  
29 ~~faculty teaching 67 percent or more of the hours per week~~  
30 ~~considered a full-time assignment for regular employees, may be~~  
31 ~~employed by any one district under this section for up to four~~  
32 ~~semesters or six quarters within any period of three consecutive~~  
33 ~~academic years between July 1, 2007, and June 30, 2014, inclusive.~~

34 ~~(B) If the provisions of this paragraph are in conflict with the~~  
35 ~~terms of a collective bargaining agreement in effect on or before~~  
36 ~~January 1, 2010, the provisions of this paragraph shall govern the~~  
37 ~~employees subject to that agreement upon the expiration,~~  
38 ~~amendment, or renewal of the agreement.~~

39 ~~(2) A district that employs faculty pursuant to this subdivision~~  
40 ~~shall provide data to the chancellor’s office as to how many faculty~~

1 members were hired under this subdivision, and what the ratio of  
2 full-time to part-time faculty was for each of the three academic  
3 years prior to the hiring of faculty under this subdivision and for  
4 each academic year for which faculty is hired under this  
5 subdivision. This data shall be submitted, in writing, to the  
6 chancellor's office on or before June 30, 2012.

7 (3) The chancellor shall report, in writing, to the Legislature  
8 and the Governor on or before September 30, 2012, in accordance  
9 with data received pursuant to paragraph (2), how many districts  
10 hired faculty under this subdivision, how many faculty members  
11 were hired under this subdivision, and what the ratio of full-time  
12 to part-time faculty was for these districts in each of the three  
13 academic years prior to the operation of this subdivision and for  
14 each academic year for which faculty is hired under this  
15 subdivision.

16 (4) A district may not employ a person pursuant to this  
17 subdivision if the hiring of that person results in an increase in the  
18 ratio of part-time to full-time nursing faculty in that district.

19 SEC. 2. Section 87882 of the Education Code is amended to  
20 read:

21 87882. For purposes of this article, "part-time faculty" means  
22 any person who is employed to teach for not more than 67 percent  
23 of the hours per week considered a full-time assignment for regular  
24 employees having comparable duties.

25 SEC. 3. Section 87884 of the Education Code is amended to  
26 read:

27 87884. (a) The governing board of each community college  
28 district that establishes a program pursuant to this article shall  
29 negotiate with the exclusive bargaining representative, or in  
30 instances where there is no bargaining unit shall meet and confer  
31 with the faculty, to establish a program to provide part-time faculty  
32 office hours.

33 (b) Any hours negotiated under this program shall not be applied  
34 toward the 67-percent requirement as specified in Section 87882.  
35 These hours shall not be counted towards the hours per week of  
36 teaching adult or community college classes for purposes of  
37 acquiring eligibility for tenure or for purposes of fulfilling any  
38 probationary hour requirements.

39 (c) On or before June 1 of each year, each community college  
40 district participating in the program shall send a verification to the

- 1 ~~Chancellor of the California Community Colleges specifying the~~
- 2 ~~total costs of the compensation paid for office hours of part-time~~
- 3 ~~faculty participating in the program.~~
- 4 ~~(d) Any changes made by this section to the Community College~~
- 5 ~~Part-time Faculty Office Hours Program shall not affect any~~
- 6 ~~part-time faculty office hours program in effect on January 1, 2000.~~